THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No. 13464 OF 2003

ORAL ORDER:

This writ petition is filed seeking a declaration that the order of the 1st respondent dated 13.6.2003 banning the business dealings with the petitioner for a period of 5 years is arbitrary and illegal.

The petitioner is a contractor, and has been executing the works relating to supply of material to the respondents since 1983. By memo dated 1.10.2002, the petitioner was called upon to show cause as to why the business dealings with it should not be banned.

Various allegations have been made in the statement of imputation and the petitioner in its explanation dated 7.11.2002 denied all the said allegations. Thereafter, the impugned order came to be passed, which runs as under:

> " In reference to the Memorandum of imputation served on you vide this office letter, the matter has been carefully considered and found that charges indicated in the above memorandum are proved and the Ministry of Railways (Railway Board), New Delhi have therefore decided to ban dealings with you for a period of five years with effect from 27.5.2003"

Though various grounds have been raised, the learned counsel for the petitioner primarily contended that the said order, which is devoid of any reasons, is in violation of the principles of natural justice and, therefore, liable to be set aside on that ground alone.

A bare perusal of the impugned order extracted above, shows that it absolutely lacks reasons. Such order, which was passed without assigning any reasons and without recording satisfaction that the allegations in the memorandum of imputation are established, is illegal and unassailable. The law is well-settled that absence of reasons is one of the grounds for judicial review, since failure of the authority to assign reasons would result in violation of the principles of natural justice.

In identical circumstances, by order dated 23.10.2006 in

W.P.No.11671 of 2003, this Court set aside the order dated 5.6.2003 passed by the very same authority leaving it open to the respondents to pass appropriate orders afresh in accordance with law. It is not disputed by the learned counsel for both the parties that the petitioner herein also stands on the same footing.

Accordingly, the impugned order is set aside and the writ petition is disposed of leaving it open to the respondents to pass appropriate orders afresh in accordance with law. No costs.

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(G. ROHINI, J.)

16th November, 2006.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No. 13464 OF 2003

16th November, 2006.

Between:

Vijaya Mechanical Works, represented by its Proprietor, Sri K. Nageswara Prasad. .. Petitioner.

And

The Government of India, Ministry of Railways, represented by its Executive Director (Signal), Railway Board, New Delhi and others. .. Respondents.